

AMENDED IN ASSEMBLY APRIL 23, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1379

Introduced by Assembly Member Calderon

February 21, 2003

~~An act to add Article 6 (commencing with Section 2899) to Chapter 10 of Part 2 of Division 1 of the Public Utilities Code, relating to~~ *An act to amend Section 2890.2 of the Public Utilities Code, and to amend Section 1 of Chapter 286 of the Statutes of 2002, relating to telecommunications.*

LEGISLATIVE COUNSEL'S DIGEST

AB 1379, as amended, Calderon. Telecommunications: mobile telephony service.

Existing law requires a provider of commercial mobile radio service to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage.

This bill would instead require a provider of mobile telephony service to provide subscribers with a means by which a subscriber can obtain reasonably current and available information on the subscriber's calling plan or plans and service usage, including roaming usage and charges.

Existing law requires each provider of commercial mobile radio service to inform subscribers of the above information at the time service is established.

This bill would instead require each provider of mobile telephony service to so inform subscribers.

Existing law states the Legislature's intent that reasonably available, current usage information be provided to all commercial mobile radio service subscribers, taking into consideration technical limitations that may affect reporting to a consumer, including, but not limited to, limitations on reporting "roaming" minutes incurred when a commercial mobile radio service subscriber is outside his or her plan coverage area.

This bill would delete that provision.

~~Under existing federal law, the Federal Communications Commission licenses and partially regulates providers of commercial mobile radio service, including providers of cellular radiotelephone service, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR) services. Under existing federal law, no state or local government may regulate the entry of or the rates charged by any commercial mobile service, but is generally not prohibited from regulating the other terms and conditions of commercial mobile radio service. Where commercial mobile radio services are a substitute for land line telephone exchange service for a substantial portion of the telecommunications within a state, commercial mobile radio service providers are not exempted by federal law from requirements imposed by a state commission on all providers of telecommunications services that are necessary to ensure the universal availability of telecommunications services at affordable rates.~~

~~Existing law empowers the Public Utilities Commission to regulate telecommunications services and rates, except to the extent regulation of commercial mobile radio service is preempted by federal regulation, of telephone corporations and to require telephone corporations to provide customer services.~~

~~This bill would require that providers of cellular radiotelephone services, broadband PCS, and digital SMR, extend to new customers, a minimum 14-day grace period after receipt of the customers' first billing containing itemized use charges, during which the customer may rescind the agreement, without cost or penalty, except that the customer would be required to pay for those services used prior to the cancellation of the agreement. The bill would further require that providers of cellular radiotelephone services, broadband PCS, and digital SMR provide notice to consumers of these rights. The bill would except contracts where customers are not required to purchase more than one month of service, from these requirements.~~



Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

~~SECTION 1. Article 6 (commencing with Section 2899) is~~

SECTION 1. Section 2890.2 of the Public Utilities Code is amended to read:

2890.2. (a) No later than January 1, 2004, a provider of ~~commercial mobile radio service, as defined in Section 2892,~~ *mobile telephony services* shall provide subscribers with a means by which a subscriber can obtain reasonably current and available information, as determined by the provider, on the subscriber's calling plan or plans and service usage, *including roaming usage and charges.*

(b) Each provider of ~~commercial mobile radio service~~ *mobile telephony services* shall inform subscribers at the time service is established of the availability of the information described in subdivision (a) and how it may be obtained.

(c) For purposes of this section, ~~commercial mobile radio service shall not include any one-way paging service utilizing facilities that are licensed by the Federal Communications Commission, including, but not limited to, narrowband personal communications services described in Subpart D (commencing with Section 24.100) of Part 24 of Title 47 of the Code of Federal Regulations, as in effect on October 1, 2001~~ *"mobile telephony services" means commercially available interconnected mobile phone services that provide access to the public switched telephone network (PSTN) via mobile communication devices employing radiowave technology to transmit calls, including cellular radiotelephone, broadband Personal Communications Services (PCS), and digital Specialized Mobile Radio (SMR). "Mobile telephony services" does not include mobile satellite services or mobile data services used exclusively for the delivery of nonvoice information to a mobile device.*

SEC. 2. Section 1 of the Chapter 286 of the Statutes of 2002 is amended to read:

SECTION 1. The Legislature finds and declares all of the following:

1 (a) ~~Commercial mobile radio~~ *Mobile telephony* service
2 subscribers may currently be unable to monitor their call time
3 minutes, *including roaming usage and charges*, and, as a result,
4 they face higher rates because they unknowingly exceed the
5 number of minutes included under their plans.

6 (b) ~~Commercial mobile radio~~ *Mobile telephony* service
7 subscribers need reasonably accurate information relative to their
8 current service usage in order to enable them to better utilize their
9 particular calling plans.

10 (c) Providing ~~commercial mobile radio~~ *mobile telephony*
11 service subscribers with a reasonable estimate that includes a
12 differentiation between the types of usage covered by their plans,
13 such as “peak” versus “free” minutes, will enable subscribers to
14 make informed decisions about their ~~commercial mobile radio~~
15 *mobile telephony* service.

16 (d) The Legislature intends to require the provision of
17 reasonably available usage information by ~~commercial mobile~~
18 ~~radio~~ *mobile telephony* service providers by January 1, 2004.

19 (e) Technology exists to provide ~~commercial mobile radio~~
20 *mobile telephony* service subscribers with reasonably accurate
21 information relative to their current service usage, *including*
22 *roaming usage and charges*, and this type of information can be
23 obtained through a variety of sources, including, but not limited to,
24 cellular telephone providers, Internet Web sites, and traditional
25 telephone customer service providers, such as 1-800 telephone
26 numbers.

27 (f) ~~The Legislature intends that reasonably available, current~~
28 ~~usage information be provided to all commercial mobile radio~~
29 ~~service subscribers, taking into consideration technical limitations~~
30 ~~that may affect reporting to a consumer, including, but not limited~~
31 ~~to, limitations on reporting “roaming” minutes incurred when a~~
32 ~~commercial mobile radio service subscriber is outside his or her~~
33 ~~plan coverage area.~~

34 added to Chapter 10 of Part 2 of Division 1 of the Public Utilities
35 Code, to read:

36
37 Article 6. Mobile Telephony Services

38 2899. For purposes of this article, “mobile telephony
39 services” means commercially available interconnected mobile
40 phone services that provide access to the public switched

1 ~~telephone network (PSTN) via mobile communication devices~~
2 ~~employing radiowave technology to transmit calls, including~~
3 ~~cellular radiotelephone, broadband Personal Communications~~
4 ~~Services (PCS), and digital Specialized Mobile Radio (SMR).~~
5 ~~“Mobile telephony services” does not include mobile satellite~~
6 ~~services or mobile data services used exclusively for the delivery~~
7 ~~of nonvoice information to a mobile device.~~

8 ~~2899.1. (a) Every provider of mobile telephony services~~
9 ~~shall without cost or penalty, extend to new service customers, a~~
10 ~~grace period of at least 14 days after receipt of the customers’ first~~
11 ~~billing containing itemized use charges, for customers to rescind~~
12 ~~the agreement, except that the customer shall pay for those services~~
13 ~~used prior to the cancellation of the agreement. Every new wireless~~
14 ~~telecommunications services agreement shall provide reasonable~~
15 ~~notice of this grace period and the right of the customer to rescind~~
16 ~~the agreement pursuant to this subdivision.~~

17 ~~(b) This section shall not apply to contracts for mobile~~
18 ~~telephony service where customers are not required to purchase~~
19 ~~more than one month of service.~~

